

NONRESPONSIVE

The response filed 4-21-09 has been received, but is non-responsive.

As to REMARKS, consider:

As to p. 16, lines 6-10, regarding the "preamble" argument, please refer to claim 14 (Currently Amended), and Applicant will see that prosecution is such that Applicant as struck out the "Coriolis flowmeter" (line 10) limitation in the body of the claim, and further amended the claim in other ways. That would appear be significant.

Reason why all of the claims are patentably distinct from the originally filed (and examined) claims is as follows:

Originally filed independent claim 14 is limited to a software product (i.e. article) for a Coriolis flowmeter as evidenced claim 14 expressly (i.e. "by said Coriolis flowmeter", lines 7-8, claim 14(original); and "calibration factor of said Coriolis flowmeter", line 2 from bottom of claim 14(original)) stating such. It is not a coincidence that the Office action of 2-5-08 employed a reference (i.e. Ruesch) against claim 14 that taught a software program to provide for correction of a Coriolis meter. In addition, originally filed independent claim 1 is a method claim, whose body limits the claim to include the step of defining a reference density "of *said* material flow" (italics added, lines 4-5 of claim 1(original). When one refers

back in the claim to what the "said material flow" might be, one must refer to the preamble, which preamble states that the "material flow" (line 2 of claim 1(original)) is that of a "Coriolis flowmeter".

The originally filed claims are limited to the Coriolis flowmeter art. It was those claims that were examined. The amended claims 1 and 14 filed 5-2-08 unmistakably strikeout (specifically, delete) all references to Coriolis flowmeter by deleting that very phrase, and also further narrow those very claims, necessitating examination of a different field of endeavor (calibration of densimeters). The original claims are directed to the combination (ABbr; the "A" representative of the "Coriolis flowmeter" limitation), and the amended claims are directed to a patentably distinct subcombination (Bsp). Applicant is permitted an examination and re-examination; not an examination (of one invention) and examination (of a different invention).

As a clerical person has taken the liberty to provide a new period for response in the paper mailed 4-6-09, the Undersigned is not permitted to undo that, and will treat this amendment of 4-21-09 as a timely filed amendment, and thus as a *bona fide* attempt to provide a complete reply to the prior Office action. As none of the claims are directed to the originally presented invention, applicant is given a shortened statutory period of ONE MONTH or THIRTY DAYS from the mailing date of this letter, whichever is longer, to submit a complete reply. This shortened statutory period supersedes the time period set in the prior Office action. This time period may be extended pursuant to 37 CFR 1.136(a).

Application/Control Number: 10/570,941  
Art Unit: 2856

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